

**SUPREME COURT MINUTES  
WEDNESDAY, APRIL 28, 2010  
SAN FRANCISCO, CALIFORNIA**

**S180289**      D055068 Fourth Appellate District, Div. 1      **PEOPLE v. MAIKHIO  
(BOUHN)**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S180567**      G040808 Fourth Appellate District, Div. 3      **PEOPLE v. SKILES (DANNY  
LEE)**

Petition for review granted; issues limited

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Are faxed copies of certified court records admissible to establish that a prior conviction qualifies as a serious or violent felony for purposes of the three strikes law?

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S180759**      C059889 Third Appellate District      **PEOPLE v. TROYER  
(ALBERT)**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S180662** E049624/E049669/E049717/E049720/E049764/E049818/E049819  
Fourth Appellate District, Div. 2      **HERRON (KELSI RAY) v.  
SUPERIOR COUR OF  
RIVERSIDE COUNTY,  
APPELLATE DIVISION  
(PEOPLE)**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Ingram*, S176983, *People v. Hajjaj*, S175307, and *People v. Wagner*, S175794 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S180849**      G039985 Fourth Appellate District, Div. 3      **PELLEGRINO (MARIA) v.  
ROBERT HALF  
INTERNATIONAL, INC.**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Harris v. Superior Court (Liberty Mutual)*, S156555 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S181244**      E048775 Fourth Appellate District, Div. 2      **PEOPLE v. HERRING  
(KEVIN LEE)**

Petition for review granted; briefing deferred (rule 8.512(d)(2))

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Engram*, S176983, *People v. Hajjaj*, S175307, and *People v. Wagner*, S175794 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S151207**      A111081 First Appellate District, Div. 5      **PEOPLE v. PRICE  
(ANTHONY)**

Dismissed as moot

Review in the above-entitled matter is dismissed as moot. (Cal. Rules of Court, rule 8.528(b).)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S169411**      G038379 Fourth Appellate District, Div. 3      **PEOPLE v. MOSLEY  
(STEVEN LLOYD)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *In re E.J.* (2010) 47 Cal.4th 1258. (Cal. Rules of Court, rule 8.528(d).)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S173290**      C060522 Third Appellate District      **PEOPLE v. S.C. (RAMPONE)**

Dismissed and remanded to Court of Appeal, Third Appellate District

In light of the decision in *People v. Superior Court (Sparks)* 48 Cal.4th 1, review in this matter is

dismissed. (Cal. Rules of Court, rule 8.528(b).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S173376**      E043986 Fourth Appellate District, Div. 2      **PEOPLE v. SHADY, JR., (LEO NICK)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold  
The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Lara* (2010) 48 Cal.4th 216 and *People v. Cobb* (2010) 48 Cal.4th 243. (Cal. Rule of Court, rule 8.528(d).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S173646**      B200748 Second Appellate District, Div. 3      **IN RE A.G.**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Three  
In light of the decision in *In re E.J.* (2010) 47 Cal.4th 1258, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S174154**      E044352 Fourth Appellate District, Div. 2      **PEOPLE v. KOPAY (SCOTT CHRISTIAN)**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division Two  
In light of the decisions in *People v. Lara* (2010) 48 Cal.4th 216 and *People v. Cobb* (2010) 48 Cal.4th 243, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S174418**      G040428 Fourth Appellate District, Div. 3      **PHELPS (JAMES S.) v. ORANGE COUNTY ASSESSMENT APPEALS BOARD NO. 1 (GUILLORY)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold  
The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *Steinhart v. County of Los Angeles* (2010) 47 Cal.4th 1298. (Cal. Rules of Court, rule 8.528(d).)  
Kennard, J., was recused and did not participate.

Votes: George, C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S174803**      D052915 Fourth Appellate District, Div. 1      **KRINSK (JEFFREY R.) v. CHIRON CORPORATION**

Dismissal order filed

In light of the parties' settlement, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S178358**      E045215 Fourth Appellate District, Div. 2      **PEOPLE v. JAIMES (LUIS ANTONIO)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and to reconsider the cause in light of *People v. Lara* (2010) 48 Cal.4th 216 and *People v. Cobb* (2010) 48 Cal.4th 243. (Cal. Rules of Court, rule 8.528(d).)

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S117112**      **MAJORS (JAMES DAVID) ON H.C.**

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus, filed June 27, 2003, is denied.

All claims and subclaims are denied on the merits.

All claims and subclaims are denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770, 780-781), except Claims 13, 15, 18, 19, 20, 21, and 22, and, to the extent they are supported by the Riley declaration and the transcripts of the December 2005 and January 2006 depositions (Exhibits 144, 581-586), Claims 2, 17, and 23.

In addition:

Claim 1 (Juror Misconduct): The subclaim alleging Juror Mohr's failure to disclose information on voir is barred as repetitive because it was presented in petitioner's first habeas corpus petition (*In re Miller* (1941) 17 Cal.2d 734, 735), except to the extent it is framed as ineffective assistance of counsel, and to that extent it is barred as successive because it could have been, but was not, presented in the first habeas corpus petition (*In re Clark* (1993) 5 Cal.4th 750, 774-775).

The subclaims alleging Juror Mohr's improper comment during penalty deliberations, jurors' improper predeliberation comment on petitioner's guilt, and Juror Powers' receipt of outside information are barred as repetitive because they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225) and in the first habeas corpus petition (*In re Miller, supra*, 17 Cal.2d at p. 735).

The subclaims alleging jurors' improper consideration of the possibility of parole and Juror Swafford's receipt of outside information regarding a prosecution witness are barred because they could have been, but were not, raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759), and because they were raised in the first habeas corpus petition (*In re Miller, supra*, 17 Cal.2d at p. 735).

All other subclaims presented in Claim 1 are barred as successive. (*In re Clark, supra*, 5 Cal.4th at pp. 774-775.)

Claim 2 (Ineffective Assistance of Counsel at the Guilt Phase): The subclaim alleging trial counsel failed to adequately impeach Bonnie Hogue is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except to the extent it is supported by the Riley declaration and the transcripts of the December 2005 and January 2006 depositions (Exhibits 144, 581-586).

The subclaim alleging counsel failed to adequately support the alibi defense is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except to the extent it alleges counsel failed to obtain the defense witness's work records, and to that extent it is barred as repetitive (*In re Miller, supra*, 17 Cal.2d at p. 735).

Petitioner's "Other Claims of Ineffective Assistance" are barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except for those subclaims that were raised and rejected in his first habeas corpus petition, which are barred as repetitive. (*In re Miller, supra*, 17 Cal.2d at p. 735). Except for the subclaim alleging counsel's failure to object to hearsay evidence, all other subclaims presented in Claim 2 are barred as successive. (*In re Clark, supra*, 5 Cal.4th at pp. 774-775.)

Claims 3 and 4 are barred as successive. (*In re Clark, supra*, 5 Cal.4th at pp. 774-775.)

Claim 5 (Pretrial Publicity): To the extent Claim 5 alleges that the trial court should have ordered a change of venue, it is forfeited because petitioner failed to raise it in the trial court. (*In re Seaton* (2004) 34 Cal.4th 193, 199-200.) To the extent it alleges ineffective assistance of counsel for failing to make such a motion, it is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775). To the extent Claim 5 alleges the trial court should have closed the preliminary hearing to the public, it is barred because it could have been, but was not, raised on appeal. (*In re Dixon, supra*, 41 Cal.2d at p. 759.)

Claims 6, 7, and 8 are barred as repetitive. (*In re Waltreus, supra*, 62 Cal.2d at p. 225.)

Claim 9 (Absence from the Penalty Phase): The claim is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except to the extent it alleges petitioner's absence contravened statutory law, and to that extent it is barred as repetitive (*In re Waltreus, supra*, 62 Cal.2d at p. 225).

Claim 10 (Ineffective Assistance of Counsel at the Penalty Phase): The claim is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except to the extent it alleges counsel failed to present evidence of petitioner's methamphetamine use and good behavior while incarcerated, and to that extent it is barred as repetitive (*In re Miller, supra*, 17 Cal.2d at p. 735).

Claim 11 (Instruction Not to Double Count Aggravating Factors): The claim is barred because it could have been, but was not, raised on appeal (*In re Dixon, supra*, 41 Cal.2d at p. 756), except to the extent it alleges ineffective assistance of counsel. To the extent it alleges ineffective assistance of trial counsel, the claim is barred as successive. (*In re Clark, supra*, 5 Cal.4th at pp. 774-775.)

Claim 12 (Evidence Regarding Life Without the Possibility of Parole): The claim is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except to the extent it alleges the prosecutor committed misconduct during closing argument, and to that extent it is barred because it could have been, but was not, raised on appeal (*In re Dixon, supra*, 41 Cal.2d at p. 756).

Claim 14 (Denial of Motion to Modify Sentence): The claim is barred because it could have been, but was not, raised on appeal (*In re Dixon, supra*, 41 Cal.2d at p. 756), except to the extent it

alleges ineffective assistance of counsel.

Claim 23 (Failure to Disclose Impeachment Evidence and Presentation of False Testimony): The subclaim alleging the prosecutor elicited and failed to correct false testimony is barred as successive (*In re Clark, supra*, 5 Cal.4th at pp. 774-775), except to the extent it is supported by the Riley declaration and the transcripts of the December 2005 and January 2006 depositions (Exhibits 144, 581-586).

Justice Werdegare would not impose a Seaton bar on petitioner's claim.

**S179985**      G040275 Fourth Appellate District, Div. 3      **PEOPLE v. MENDOZA**  
**(FERNANDO)**

Petition for review denied

**S180033**      B212182 Second Appellate District, Div. 3      **PEOPLE v. VARGAS**  
**(RUBEN)**

Petition for review denied

**S180206**      B213117 Second Appellate District, Div. 5      **PEOPLE v. MIRANDA**  
**(DANIEL)**

Petition for review denied

**S180212**      G041561 Fourth Appellate District, Div. 3      **PEOPLE v. DELGADO**  
**(PHILLIP)**

Petition for review denied

**S180243**      E047830 Fourth Appellate District, Div. 2      **PEOPLE v. AGUILAR**  
**(ROBERTO SANCHEZ)**

Petition for review denied

**S180253**      E047553 Fourth Appellate District, Div. 2      **IN RE J.V.**  
Petition for review denied

**S180357**      B215457 Second Appellate District, Div. 4      **STATE FARM GENERAL**  
**INSURANCE COMPANY v.**  
**JT'S FRAMES, INC.**

Petition for review & depublication request(s) denied

**S180364**      B212584 Second Appellate District, Div. 7  
Petition for review denied

**PEOPLE v. BROWN  
(CHARLES)**

**S180366**      A127541 First Appellate District, Div. 5  
Petition for review denied

**NAVARETTE (LORENZO) v.  
S.C. (PEOPLE)**

**S180387**      H030750 Sixth Appellate District  
Petition for review denied

**PEOPLE v. MARTINEZ  
(RUSSELL MARVIN)**

**S180406**      G041005 Fourth Appellate District, Div. 3  
Petition for review denied

**PEOPLE v. MADDOX  
(TARON DONNELL)**

**S180408**      C058722 Third Appellate District  
  
Petition for review & publication request(s) denied  
Corrigan, J., is of the opinion the petition should be granted.

**MARRIAGE OF BERRY  
(ALAINA) & ANDREWS  
(STEVEN)**

**S180424**      B214864 Second Appellate District, Div. 7  
Petition for review denied  
Kennard, J., is of the opinion the petition should be granted.

**IN RE MIGUEL H.**

**S180430**      B207146 Second Appellate District, Div. 3  
Petition for review denied

**PEOPLE v. VARGAS  
(MIGUEL ANGEL)**

**S180433**      B213335 Second Appellate District, Div. 2  
Petition for review denied

**PEOPLE v. MADRID  
(ROBERT WAYNE)**

**S180449** G040727 Fourth Appellate District, Div. 3

Petition for review & depublication request(s) denied  
The request for judicial notice is granted.

**PIPEFITTERS LOCAL NO.  
636 DEFINED BENEFIT  
PLAN v. OAKLEY, INC.**

**S180450** H033225 Sixth Appellate District

Petition for review denied

**PEOPLE v. OWENS  
(ANTHONY RAY)**

**S180452** H034163 Sixth Appellate District

Petition for review denied

**OWENS (ANTHONY RAY)  
ON H.C.**

**S180454** H033610 Sixth Appellate District

Petition for review & depublication request(s) denied

**UDC-UNIVERSAL  
DEVELOPMENT, L.P. v.  
CH2M HILL**

**S180458** B207436/B207437 Second Appellate District, Div. 8

Petition for review denied

**CONTINENTAL RECOVERY  
GROUP LLC. v. NCOM, INC.  
(KASHANI)**

**S180478** H033656 Sixth Appellate District

Petition for review denied

**PEOPLE v. WUNDERLICH  
(SARAH)**

**S180492** C062408 Third Appellate District

Petition for review denied

**IN RE X.Y.**

**S180515** H033329 Sixth Appellate District

Petition for review denied

**ROBLES (VIRGINIA) v.  
CHALILPOYIL (PURUSH)**



<b>S180534</b>	D056584 Fourth Appellate District, Div. 1	<b>HASAN (JAWWAAD MANNY) ON H.C.</b>
Petition for review denied		
<b>S180538</b>	E047235/E048425 Fourth Appellate District, Div. 2	<b>GILBERT (RICHARD TIMOTHY) v. WISDOM (A. L.)</b>
Petition for review & publication request(s) denied		
<b>S180543</b>	E046065 Fourth Appellate District, Div. 2	<b>PEOPLE v. CANNON (WARDINE KIMM)</b>
Petition for review denied		
<b>S180544</b>	E046343 Fourth Appellate District, Div. 2	<b>PEOPLE v. CHAPA (RUBEN)</b>
Petition for review denied		
<b>S180554</b>	G042223/G042307 Fourth Appellate District, Div. 3	<b>PEOPLE v. AYALA (GUADALUPE RUIZ)</b>
Petition for review denied		
<b>S180603</b>	C064024 Third Appellate District	<b>ELLIOT HOMES, INC. v. S.C. (PERRY)</b>
Petition for review denied		
<b>S180626</b>	B203152/B203209 Second Appellate District, Div. 3	<b>PEOPLE v. TEMPSON (TOYRE)</b>
Petitions for review denied		
<b>S180631</b>	B214669 Second Appellate District, Div. 2	<b>NIETO (JULIE) v. BLUE SHIELD OF CALIFORNIA LIFE &amp; HEALTH INSURANCE COMPANY</b>
Petition for review & depublication request(s) denied		

**S180632**      A127036 First Appellate District, Div. 1

Petition for review denied

**FIA CARD SERVICES, N.A. v.  
S.C. (PEOPLE)**

**S180637**      B222121 Second Appellate District, Div. 6

Petition for review denied

**LITTLE CAESAR  
ENTERPRISES, INC. v. S.C.  
(TOLEDO)**

**S180642**      B210942 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. ARELLANES  
(JOHN FONSECA)**

**S180655**      B208215 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. ALEXANDER  
(LARRY)**

**S180665**      E047158 Fourth Appellate District, Div. 2

Petition for review denied

**LAMUNYON (STEVEN) v.  
REID & HELLYER, APC**

**S180671**      D054267 Fourth Appellate District, Div. 1

Petition for review denied

**PONIKTERA (LINDA) v.  
SEILER (DEBORAH)**

**S180672**      B214842 Second Appellate District, Div. 3

Petition for review denied

**LOS ANGELES, COUNTY OF  
v. S.C. (WEST)**

**S180675**      C059369 Third Appellate District

Petition for review denied

**PEOPLE v. TIETJEN, JR.,  
(DANNY CARTSON)**

**S180694** H033862 Sixth Appellate District

Petition for review denied

**UDC-UNIVERSAL  
DEVELOPMENT, L.P. v.  
CH2M HILL**

**S180723** G043235 Fourth Appellate District, Div. 3

Petition for review denied

**FLORES (SHYLA) v. S.C.  
(PEOPLE)**

**S180730** A122199 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. CREECH, JR.,  
(WILLIS LAVONE)**

**S180790** B213703 Second Appellate District, Div. 4

Petition for review denied

**LOS ANGELES UNIFIED  
SCHOOL DISTRICT v.  
COUNTY OF LOS ANGELES  
(CITY OF LOS ANGELES)**

**S180799** A122351 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. SISUPHAN (LOU  
SURIYAN)**

**S180804** E046526/E046886 Fourth Appellate District, Div. 2 **YANG (KEVIN JEN-KANG) v.**

Petition for review & publication request(s) denied

**BUCH (ROBERT)**

**S180816** B215861 Second Appellate District, Div. 7

Petition for review denied

Werdegarr, J., was recused and did not participate.

**ARCE (ANDREW) v. KAISER  
FOUNDATION HEALTH  
PLAN, INC.**

**S180819** C058795 Third Appellate District

Petition for review denied

**HAMMERBECK (RICHARD K.) v. CALIFORNIA BROADCASTING, INC.**

**S180857** B222259 Second Appellate District, Div. 3

Petition for review denied

**SUDRY (SHAY) v. S.C. (PEOPLE)**

**S180859** B209277 Second Appellate District, Div. 6

Petition for review denied

**FRIENDS OF OUTER STATE STREET v. CITY OF SANTA BARBARA (HART)**

**S180901** B211326 Second Appellate District, Div. 2

Petition for review & publication request(s) denied

**YANG (JEN-KANG) v. FIELDS (LARRY H.)**

**S180931** C058320 Third Appellate District

Petitions for review denied

**PEOPLE v. WHISENANT (CHRISTOPHER)**

**S180947** B211610 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. TELLEZ (JOEL ARMANDO)**

**S180972** C060120 Third Appellate District

Petition for review denied

**PEOPLE v. MELGOZA (FRANCISCO)**

**S180975** D056680 Fourth Appellate District, Div. 1

Petition for review denied

**BOUSAMRA (GARY R.) ON H.C.**

**S180980** E050217 Fourth Appellate District, Div. 2  
Petition for review denied

**KAO (CHUNG) v. S.C.  
(RIVAS)**

**S180989** C058933 Third Appellate District  
Petition for review denied

**PEOPLE v. GILLETTE II  
(ROOSEVELT WARREN)**

**S180995** B222337 Second Appellate District, Div. 1  
  
Petition for review denied

**SUKUMAR (PONANI) v. S.C.  
(SCHWARTZ SEMERDJIAN  
HAILE BALLARD &  
CAULEY LLP.)**

**S181017** B215557 Second Appellate District, Div. 2  
  
Petition for review denied

**PEOPLE v. CALLIER  
(CALVIN EARL)**

**S181056** E046581 Fourth Appellate District, Div. 2  
  
Petition for review denied

**PEOPLE v. THOMAS  
(JEFFREY)**

**S181058** A127600 First Appellate District, Div. 3  
Petition for review denied

**DANIELS (ISIAH) ON H.C.**

**S181083** E047425 Fourth Appellate District, Div. 2  
  
Petition for review denied

**PEOPLE v. HUDSON  
(GERALD LEE)**

**S181131** A123823 First Appellate District, Div. 3  
  
Petition for review denied

**PEOPLE v. PEPLINKSI  
(GENE ARNOLD)**

**S181139** G041198 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RESZETYLO  
(LINDA)**

**S181143** G040959 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. COOK (JAMES  
DONALD)**

**S181152** B222298 Second Appellate District, Div. 7  
Petition for review denied

**FOSTER (MICHAEL) ON H.C.**

**S181156** B222234 Second Appellate District, Div. 8

Petition for review denied

**FLORES (MARLON) v. S.C.  
(LAMPS PLUS, INC.)**

**S181168** C064062 Third Appellate District  
Petition for review denied

**MONROE (DAVID) ON H.C.**

**S181171** E047280 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CARTER  
(WILLIAM ALLEN)**

**S181173**

Petition for writ of mandate/prohibition denied

**RODRIGUEZ (JOSE  
GARCIA) v. CALIFORNIA  
STATE PRISON CORCORAN  
(ADAMS)**

**S181176** E047734 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. McKINNEY  
(ANTHONY BRIAN)**

**S181177** B213072 Second Appellate District, Div. 5  
Petition for review denied

**PEOPLE v. VALLIN (SAUL)**

**S181180** F056009 Fifth Appellate District

Petition for review denied

**PEOPLE v. JAMES (RYAN JOSEPH)**

**S181187** G043229 Fourth Appellate District, Div. 3

Petition for review denied

**HUNT (JAMES WILLIAM) v. S.C. (PEOPLE)**

**S181190**

Petition for writ of mandate/prohibition denied

The denial of the petition for writ of habeas corpus was final in the Court of Appeal on the day it was filed. (Cal. Rules of Court, rule 8.387(b)(2)(A).)

The petition for writ of mandate is denied.

**CHAMBERS (ROBERT) v. OHLRICH (FREDERICK K.)/(PEOPLE)**

**S181195** A122026/A123889 First Appellate District, Div. 2

Petition for review denied

**CHACON (JORGE) v. LITKE (EDWARD)**

**S181201** D054627 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BEY (CHRISTOPHER WEBSTER)**

**S181212** E046213 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ALVAREZ (PAUL ALONZO)**

**S181214** H033151 Sixth Appellate District

Petition for review denied

**PEOPLE v. GRANT (JESSE)**

**S181215** B211481 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. COLE (RODRICK DEUN)**

**S181218** E050291 Fourth Appellate District, Div. 2  
Petition for review denied

**BALLESTEROS (VICTOR)  
ON H.C.**

**S181220** F057346 Fifth Appellate District  
  
Petition for review denied

**MARRIAGE OF PETERSEN  
(GRETI ILEANA &  
ALEXANDER)**

**S181226** B222810 Second Appellate District, Div. 5  
  
Petition for review denied

**GADLIN (GREGORY) v. S.C.  
(PEOPLE)**

**S181241** F056177 Fifth Appellate District  
  
Petition for review denied

**PEOPLE v. WALKER, JR.,  
(GARY GLENN)**

**S181247** B213603 Second Appellate District, Div. 2  
  
Petition for review denied

**STEUBER (TERRI) v.  
STEUBER (MICHELLE D.)**

**S181253**  
  
Petition for review denied

**DELMAN (DAVID) v. CITY  
OF LOS ANGELES**

**S181257** F058108 Fifth Appellate District  
  
Petition for review denied

**PEOPLE v. ROBLES  
(MARTIN GAYTAN)**

**S181261** C064380 Third Appellate District  
  
Petition for review denied

**JONES (WILLIE RAY) ON  
H.C.**

**S181267** B222674 Second Appellate District, Div. 2  
Petition for review denied

**LIEBB (STEPHEN) ON H.C.**



**S181282** C058563 Third Appellate District

Petitions for review denied

**D.N., CONSERVATORSHIP  
OF THE PERSON & ESTATE  
OF**

**S181285** C060435 Third Appellate District

Petition for review denied

**PEOPLE v. JACKSON  
(ANDREW ROBERT)**

**S181297**

Petition for writ of mandate/prohibition denied

**ELLINGTON (MARCUS  
RUBEN) v. COURT OF  
APPEAL, FIFTH APPELLATE  
DISTRICT (DEPARTMENT  
OF CORRECTIONS &  
REHABILITATION)**

**S181306** B211143 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. WILSON  
(KENNETH NATHANIEL)**

**S181313** E047836 Fourth Appellate District, Div. 2

Petition for review denied

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and/or *People v. Rutterschmidt*, S1767213.

**PEOPLE v. CHAVEZ  
(ARMANDO)**

**S181329** B210248 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. AYESTAS (IVETT  
ESTER)**

**S181331** E050369 Fourth Appellate District, Div. 2

Petition for review denied

**KUIKAHI (ROBERT) ON H.C.**

**S181394**      B222968 Second Appellate District, Div. 7      **READY PAC FOODS, INC. v. S.C. (HADDOCK)**

Petition for review & application for stay denied

The "Application to File Petition for Review Under Seal" filed on March 30, 2010, is granted.

The court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46. The Clerk is directed to file the Petition for Review under seal.

**S181928**      D057001 Fourth Appellate District, Div. 1      **WELLS FARGO BANK v. S.C. (McLAY)**

Petition for review & application for stay denied

Baxter and Corrigan, JJ., were recused and did not participate.

**S176527**      **SMITH (ROBERT LEWIS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S176545**      **DIXIE (EARL LEE) ON H.C.**  
Petition for writ of habeas corpus denied

**S176551**      **GONZALEZ (MANUEL ANTONIO) ON H.C.**

Petition for writ of habeas corpus denied

**S176556**      **GLASS (MARK A.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S176562**      **YANDERS (DERRICK JOSEPH) ON H.C.**

Petition for writ of habeas corpus denied

**S176585**      **POLK (SUSAN MAE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

**S177052****WELDON (NORMAN) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S177102****AYALA (JOSE) ON H.C.**

Petition for writ of habeas corpus denied

**S177120****ROWLAND (CHRISTOPHER  
MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

**S177127****STRACK (KEVIN T.) ON H.C.**

Petition for writ of habeas corpus denied

**S177140****MARVIN (JAMES) ON H.C.**

Petition for writ of habeas corpus denied

**S177556****McCORMICK (FRANK) ON  
H.C.**

Petition for writ of habeas corpus denied

**S177656****WILSON (LONNIE B.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S177664****HUDSON (MICHAEL  
WAYNE) ON H.C.**

Petition for writ of habeas corpus denied

**S177680****WANCHO (JESUS) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

**S177682****DEAN (MICHAEL E.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S177683****McCALL (ALGENON) ON  
H.C.**

Petition for writ of habeas corpus denied

**S177789****SALCIDO (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709.)

**S177790****STUART (DANIEL JULIAN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S177801****VOGELSANG (GREGORY  
LEE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S177811****BEJARANO (BOB) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S177836****MONEY (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

**S177874****MILLER (ERNEST) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S177938****AMES (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

**S178263****MILLER (ERNEST) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S178264****MILLER (ERNEST) ON H.C.**

Petition for writ of habeas corpus denied

**S178406****MILLER (ERNEST) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S178910****MILLER (ERNEST) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S179001****STRACK (KEVIN T.) ON H.C.**

Petition for writ of habeas corpus denied

**S179056****CRAWFORD (MICHAEL D.)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S179061****JOHNSON (ERIC) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S179081****MILLER (ERNEST) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S179165****WHITMORE (ISRAEL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S179411****WHITMORE (ISRAEL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S180005****HUNTER (JOSE) ON H.C.**

The petition for writ of habeas corpus and request for stay are denied.

**S180031****ARMSTRONG (JERRY W.)  
ON H.C.**

Petition for writ of habeas corpus denied

**S180054****MILLER (ERNEST) ON H.C.**

Petition for writ of habeas corpus denied

**S180176****WINDOM (ANTHONY) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S180208****MIRANDA (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

**S181045****AMES (MICHAEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

**S181102****BELL (HORACE) ON H.C.**

Petition for writ of habeas corpus denied

**S181119****LANGSTON (FRANCIS) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181140****WOODS II (EARNEST C.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181186****PARRISH (JOHN LEN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181188****PARRISH (JOHN LEN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181193****FARLOUGH (DEXTER  
SAMUEL CHRISTOPHER)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S181273****TURNER (ANTHONY R. G.)  
ON H.C.**

Petition for writ of habeas corpus denied

**S181300****PARRISH (JOHN LEN) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S181360****WILLIAMSON (STEPHEN R.)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S181441****JOHNSON (ERIC) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

**S181442****FULTON (MATHEW) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181457****KING (JESSE STEPHEN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181462****DANIELS (STANLEY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181468****FLORES (ISAAC) ON H.C.**

Petition for writ of habeas corpus denied

**S181506****IBANEZ (ROMAN) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)**S181512****NGUON (HUNG DUONG) ON  
H.C.**

Petition for writ of habeas corpus denied

**S181546****CHAVEZ (GUSTAVO) ON  
H.C.**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S181560****UPTON (DAVID) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Miller* (1941) 17 Cal.2d 734.)**S181605****BELL (HORACE) ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**S181652****BELL (HORACE) ON H.C.**

Petition for writ of habeas corpus denied



**S181677**

Petition for writ of habeas corpus denied

**BELL (HORACE) ON H.C.****S181884**

Petition for writ of habeas corpus &amp; application for stay denied

**BURFORD (ANTHONY  
MOCHON) ON H.C.****S181893**

Petition for writ of habeas corpus denied

**BELL (HORACE) ON H.C.****S181908**

Petition for writ of habeas corpus denied

**BELL (HORACE) ON H.C.****S181933**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)**BELL (HORACE) ON H.C.****S180436**

B212923 Second Appellate District, Div. 4

**TOTAL CALL  
INTERNATIONAL, INC. v.  
PEERLESS INSURANCE  
COMPANY**

Depublication request denied (case closed)

**S180595**

D054485 Fourth Appellate District, Div. 1

**MARRIAGE OF FROST  
(KAREN M. & THOMAS C.)**

Publication request denied (case closed)

**S180681**

H033418 Sixth Appellate District

**BORREGGE (SHARON  
LOUISE) v. CALIFORNIA  
DEPARTMENT OF  
TRANSPORTATION**

Publication request denied (case closed)

**S181149**

B217842 Second Appellate District, Div. 3

**IN RE UBALDO M.**

Publication request denied (case closed)

**S181150**      A123672 First Appellate District, Div. 3

**RICHMOND RESIDENTS  
FOR RESPONSIBLE  
ANTENNA PLACEMENT v.  
CITY OF RICHMOND  
(OMNIPOINT  
COMMUNICATIONS)**

Publication request denied (case closed)

**S180778**      B206799 Second Appellate District, Div. 3

**PEOPLE v. NERO (BENNIE  
T.)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 4, 2010.

**S044693**

**PEOPLE v. WALL (RANDALL  
CLARK)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 29, 2010.

**S076175**

**PEOPLE v. LOY (ELOY)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Marianne D. Bachers's representation that she anticipates filing the appellant's reply brief by May 12, 2010, counsel's request for an extension of time in which to file that brief is granted to May 12, 2010. After that date, no further extension is contemplated.

**S076340**

**PEOPLE v. NGUYEN (LAM  
THANH)**

Extension of time granted

Good cause appearing, and based upon counsel Richard C. Neuhoff's representation that he anticipates filing the appellant's opening brief by July 2010, counsel's request for an extension of time in which to file that brief is granted to June 28, 2010. After that date, only one further extension totaling about 30 additional days is contemplated.

**S086234****PEOPLE v. MILES (JOHNNY  
DUANE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 15, 2010.

**S105908****PEOPLE v. GHOBRIAL  
(JOHN SAMUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 28, 2010.

**S116307****PEOPLE v. FLORES III  
(ALFRED)**

Extension of time granted

Good cause appearing, and based upon counsel Robert Derham's representation that he anticipates filing the appellant's opening brief by March 2011, counsel's request for an extension of time in which to file that brief is granted to June 28, 2010. After that date, only five further extensions totaling about 270 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S122611****PEOPLE v. STESKAL  
(MAURICE GERALD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 22, 2010.

**S176620**

B211622 Second Appellate District, Div. 1

**PEOPLE v. GUTIERREZ  
(HUGO)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to May 11, 2010.

**S178166****MARLOW (JAMES G.) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Pamela A. Ratner's

representation that she anticipates filing the informal response to the petition for writ of habeas corpus by August 31, 2010, counsel's request for an extension of time in which to file that document is granted to July 6, 2010. After that date, only one further extension totaling about 56 additional days is contemplated.

**S162647** H030272 Sixth Appellate District

**SAN JOSE, CITY OF v.  
OPERATING ENGINEERS  
LOCAL UNION NO. 3**

Request for judicial notice granted

Respondent's request for judicial notice, filed on March 11, 2010, is granted.

**S165906** B204354 Second Appellate District, Div. 5

**HAWORTH (RANDAL D.) v.  
S.C. (OSSAKOW)**

Request for judicial notice granted

Petitioners' request for judicial notice, filed on July 22, 2009, is granted.

**S180507**

**ACCUSATION OF  
UNDERWOOD**

Petition denied (accusation)

**S181010**

**ACCUSATION OF  
FRANKLIN**

Petition denied (accusation)

**S181095**

**ACCUSATION OF TRAN**

Petition denied (accusation)

**S181099**

**ACCUSATION OF TRAN**

Petition denied (accusation)

**S181138**

**ACCUSATION OF WHEELER**

Petition denied (accusation)

**S182179****DUNCAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JEANINE McDONALD DUNCAN, State Bar Number 129478, as a member of the State Bar of California is accepted.

**S182181****BIRD ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARILYNNE RUTH BIRD, State Bar Number 78723, as a member of the State Bar of California is accepted.

**S182182****BRINCKERHOFF ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DIRCK WILLIAM BRINCKERHOFF, State Bar Number 56621, as a member of the State Bar of California is accepted.

**S182183****AAMODT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID ANTON AAMODT, State Bar Number 86869, as a member of the State Bar of California is accepted.

**S182184****BOYLAND ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM E. BOYLAND, State Bar Number 128647, as a member of the State Bar of California is accepted.

**S182185****CARUSO ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DARLENE SUE BARRIER CARUSO, State Bar Number 220460, as a member of the State Bar of California is accepted.

**S182190****FRANCONE ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BRUCE EDEALE FRANCONE, State Bar Number 86795, as a member of the State Bar of California is accepted.

**S182191****FRIEDMAN ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN JOYCE FRIEDMAN, State Bar Number 177687, as a member of the State Bar of California is accepted.

**S182193****GERRARD ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARBARA BIERY GERRARD, State Bar Number 110507, as a member of the State Bar of California is accepted.

**S182194****GRINNELL ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JEFFREY KING GRINNELL, State Bar Number 88501, as a member of the State Bar of California is accepted.

**S182196****HOCH, JR., ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KARL JOSEPH HOCH, JR., State Bar Number 76792, as a member of the State Bar of California is accepted.

**S182198****GOSS, JR., ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of E. ROBERT GOSS, JR., State Bar Number 44489, as a member of the State Bar of California is accepted.

